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OFFICE OF PETITIONS

In re Application of :
Brownlie :
Application No.: 10/730,502 : **DECISION GRANTING PETITION**
Filed: December 8, 2003 :
Attorney Docket No.: RBRO-1-CIP :
FOR: INTERFACE PADS WITH ADJUSTABLE :
VALVES :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on November 7, 2005.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The above-identified application became abandoned for the alleged failure to timely reply to the non-final Office action, mailed November 17, 2004, which set a period for reply of three (3) months. The Office considered the application abandoned on February 18, 2005. A Notice of Abandonment was mailed on August 12, 2005.

Petitioner alleges that a timely reply in the form of a terminal disclaimer and response to the Office action was timely mailed on February 16, 2005. A review of the application file reveals that a reply was received in the Office on February 22, 2005 (certificate of mailing date February 16, 2005). The terminal disclaimer fee cited in the terminal disclaimer was missing. However, authorization to charge deposit account no. 02-0910 for any additional fees has been present since the application was filed. Therefore, the Office had authority to charge the statutory disclaimer fee due on certificate of mailing date February 16, 2005, which was within the period for response.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter. Deposit account no. 02-0910 will be charged the required \$65.00 statutory disclaimer fee that should have been charged on certificate of mailing date February 16, 2005.

After the mailing of this decision, the application will be returned to Technology Center AU 3644 for consideration of the February 22, 2005 (certificate of mailing date February 16, 2005) reply to the November 17, 2004 non-final Office action.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions